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FEB 23 2004
OFFICE OF PETITIONS

In re Application of :
Donald H. Gehring. :
Application No. 10/621,141 :
Filed: July 16, 2003 :
Attorney Docket No. 032531.000002 :
DECISION GRANTING PETITION

This is a decision on the petition filed December 15, 2003, requesting that the above-identified application retain the presently accorded a filing date of July 16, 2003, with figures 15 through 20 of the drawings as part of the original disclosure.

On July 16, 2003, the above-identified application was filed. On November 5, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of a Nonprovisional Application" (the "Notice"), stating that the application had been accorded a filing date of July 16, 2003 however, figures 15-20 of the drawings appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on December 15, 2003, applicants filed the present petition, a copy of figures 15-20 encompassed in two sheets of drawings, and a postcard receipt date-stamped by the Office

Upon review of the record, figures 15-20 of the drawings were not located among the application papers. It is further noted that the transmittal sheet for the original application papers indicates that, "[t]he PTO did not receive 8 sheets of drawings only 2 sheets." A review of the application file reveals that six sheets of drawings encompassing Figures 1, 2, 2A, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 were found with the original application papers, contrary to the notation made by the Office on the application transmittal sheet. The evidence is convincing that the application papers deposited July 16, 2003, included eight sheets of drawings that included Figures 15-20. Therefore, the application, including figures 15-30 of the drawings, was complete on filing and entitled to the presently accorded filing date of July 16, 2003.

Accordingly, the petition is granted.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of July 16, 2003, using the eight (8) pages of drawings filed July 16, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin

Petitions Attorney

Office of Petitions